

11-18-03

~~\$ RCE 1700~~

PATENT

Image

NOV 17 2003

Practitioner's Docket No.: 791_052 RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of: Kenshin Kitoh

Ser. No.: 09/323,628

Group Art Unit: 1723

Filed: June 1, 1999

Examiner: David Sorkin

Confirmation No.: 9448

For: LITHIUM SECONDARY BATTERY

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 17, 2003 under "EXPRESS MAIL" mailing label number EL 97517 0440 US.

Janet M. Stevens

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted (*check appropriate item(s) below*):

- i. ☒ Prior to abandonment of the application
- ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of issue fee
 - ☐ Issue fee has been paid but a petition under § 1.313 was filed (copy attached).
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
 - ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

PREVIOUSLY SUBMITTED DOCUMENTS

3. Please Enter and Consider the following Previously Submitted Documents:

- ☒ Amendment filed October 6, 2003.
- ☐ Brief on Appeal filed _____.
- ☐ Other:

11/20/2003 JADD01 00000070 09323628

01 FC:1801	770.00 OP
02 FC:1202	54.00 OP
03 FC:1253	530.00 OP

ENCLOSURES

4. Enclosed herewith is/are:

- ☐ An Information Disclosure Statement and Form PTO-1449
- ☐ An Identification of Copending Application(s) and Form PTO-1449
- ☐ An Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☐ Other:

5. **Additional Papers to Follow Under Separate Cover**

- ☒ A Preliminary Amendment

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

6. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee \$770.00

FEE FOR CLAIMS

6. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid	(5) No. of Extra Claims Present	(6) Rate	(7) Additional Fee
TOTAL CLAIMS	23	MINUS	20	3	18.00	54.00
INDEP. CLAIMS	2	MINUS	3	0	0	0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						0

(c) ☐ No additional fee is required.

OR

(d) ☒ Total additional fee required is \$54.00.

EXTENSION OF TIME

7. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (Months)		Fee for other than small entity	Fee for small entity
	One Month	\$ 110.00	\$ 55.00
	Two Months	\$ 420.00	\$ 210.00
✓	Three Months	\$ 950.00	\$ 475.00
	Four Months	\$1,480.00	\$ 740.00

Extension Fee

\$ 950.00

If an additional extension of time is required, please consider this a petition therefor.

☒ An extension for two months has already been secured, and the fee paid therefor of \$420.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$530.00

OR

(b) ☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

8. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$770.00
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ 54.00
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$530.00

Total Fee(s) Due: \$1,354.00

PAYMENT OF FEE(S) DUE

9. Please pay the fee(s) for this continued examination application as follows:

☒ Check is attached for the sum of \$1,354.00

☐ Charge Deposit Account No. 50-1446 the sum of \$

☒ Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Deposit Account No. 50-1446.

November 17, 2003

Date

Respectfully submitted,



Kevin C. Brown

Reg. No. 32,402

KCB/jms

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